

## Article - Education

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§16–313.

(a) (1) The board of trustees may provide for procurement by competitive sealed proposals in accordance with the provisions of this section.

(2) The board of trustees may adopt regulations to implement the provisions of this section.

(b) Competitive sealed proposals is the preferred procurement method for educational or consultant services.

(c) (1) Whenever procurement is based on competitive sealed proposals, the board of trustees or its designee shall seek proposals by issuing a request for proposals.

(2) A request for proposals shall include a statement of:

- (i) The scope of the procurement contract;
- (ii) The results to be achieved or services to be provided;
- (iii) The factors, including price, that will be used in evaluating proposals; and
- (iv) The relative importance of each factor.

(d) The board of trustees or its designee shall publish a request for proposals in the same manner as required for an invitation for bids.

(e) (1) After receipt of proposals but before the board of trustees awards the procurement contract, the board or its designee may conduct discussions with an offeror to:

- (i) Obtain the best price for the college; and
- (ii) Ensure full understanding of:
  - 1. The requirements of the college as set forth in the request for proposals; and

2. The proposal submitted by the offeror.

(2) If discussions are conducted, the board of trustees or its designee:

(i) Shall conduct the discussions in accordance with regulations adopted by the board;

(ii) Shall provide an opportunity to participate to each responsible offeror who submits a proposal that, in the judgment of the board or its designee, is reasonably susceptible of being selected for award;

(iii) Shall treat all of the responsible offerors fairly and equally;

(iv) May allow all of the responsible offerors to revise their initial proposals by submitting best and final offers, if discussions indicate that it would be in the best interests of the college to do so;

(v) May conduct more than one series of discussions and requests for best and final offers; and

(vi) May not disclose to an offeror any information derived from a proposal or discussions with a competing offeror.

(f) (1) Except as provided in paragraph (2) of this subsection:

(i) A proposal is irrevocable for the period specified in the request for proposals; and

(ii) A best and final offer is irrevocable for the period specified in the request for best and final offers.

(2) The board of trustees or its designee may allow an offeror to correct or withdraw a proposal or best and final offer if correction or withdrawal is allowed under regulations adopted by the board.

(g) After obtaining any approval required by law, the board of trustees shall award the procurement contract to the responsible offeror who submits the proposal or best and final offer determined to be the most advantageous to the college considering the evaluation factors set forth in the request for proposals.

(h) The board of trustees may reject any and all proposals and readvertise for other offers.

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